

and a continued evaluation of the suitability of the facility.

(v) Services in the placement of an Indian child for long or short term foster care suited to his needs and to review the plan periodically.

(vi) Services to parent(s), foster parent(s), or other caretaker(s) to provide care and guidance for the child in foster care.

(5) Foster care services for adults which shall be provided when a general assistance payment under §20.21 is made for their care in a foster care facility, or when needed in the absence of a general assistance payment. The services may include but are not limited to:

(i) Arranging for care in a private family home, or a facility for the care of the aged or disabled except where the primary service provided by the facility is medical.

(ii) Services to responsible family members, guardians, or at the request of an Indian court having jurisdiction, in selecting a facility which will provide needed care.

(iii) Services providing for continuity with family and community ties.

(iv) Services to continually evaluate the suitability of the selected care facility, including referral for other care as indicated.

(6) Community services which are services involving other groups, agencies, and facilities in the community may include but are not limited to:

(i) Responses to community needs for evaluating social conditions affecting the well-being of its citizens.

(ii) Treatment of the identified conditions that are within the competence of social services.

(iii) Maintenance of a liaison relationship with other community agencies for the purpose of:

(A) Identifying the availability of services that may be utilized to assist in solving the social problems of individuals, families and children.

(B) Facilitating the use of available community services by Indian persons who need them.

#### **§20.25 Consultation with tribes.**

Bureau personnel shall upon request provide consultation and advice to tribal governing bodies and other tribal

entities including Indian courts seeking to organize their social services to meet more effectively the social service needs of their people. See §11.21 of this chapter. All programs provided for in this part shall, insofar as possible, be consistent with tribal custom, codes and law.

### **Subpart D—Hearings and Appeals**

#### **§20.30 Hearings and appeals.**

(a) Any applicant or recipient of financial assistance under this part who is dissatisfied with any decision or action concerning eligibility for or receipt of financial assistance may request a hearing before the Superintendent or his designated representative within 20 days after the date of mailing or delivery of the written notice of the proposed decision as provided in §20.13. The Superintendent may extend the 20 day period for good cause shown and documented in the record.

(b) Upon request for a hearing by a recipient dissatisfied by a proposed decision the recipient's financial assistance will be continued or reinstated to provide no break in financial assistance until the date of decision by the Superintendent or his designated representative in accordance with §20.30(f).

(c) The Superintendent or his designated representative shall set a date for the hearing within 10 days of the date of request for a hearing, at a location convenient to both parties, and give written notice to the applicant or recipient.

(d) The written notice of hearing date and location shall include:

(1) A statement of the issues.

(2) The applicant or recipient's right to be heard in person, or to be represented by an authorized representative at no expense to the Bureau.

(3) The applicant or recipient's right to present both oral and written evidence, and written statements prior to or during the hearing.

(4) The applicant or recipient's right to confront and cross-examine witnesses at the hearing.

(5) The applicant or recipient shall have the right of one continuance of

not more than 10 days with respect to the date of hearing.

(6) The applicant or recipient's right to examine and copy, at a reasonable time before and during the hearing, his case record as it relates to the proposed action being contested.

(e) The Superintendent or his designated representative shall conduct the hearing in an informal but orderly manner, record the hearing, and provide the applicant or recipient with a transcript of the hearing upon request.

(f) The Superintendent or his designated representative shall render a written decision within 10 days of the completion of the hearing. The written decision shall consist of the following:

(1) A written statement covering the evidence relied upon and reasons for the decision.

(2) The applicant or recipient's right to further appeal from any dissatisfied decision in accordance with procedures for appeals from administrative actions set forth in part 2 of this chapter.

(g) An interested party wishing to make such an appeal may request Bureau assistance in preparation of the appeal also as prescribed in part 2 of this chapter.

## PART 21—ARRANGEMENT WITH STATES, TERRITORIES, OR OTHER AGENCIES FOR RELIEF OF DISTRESS AND SOCIAL WELFARE OF INDIANS

### Sec.

21.1 Commissioner to negotiate contracts.

21.2 Contracts; by whom executed.

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21.9 Information collection.

AUTHORITY: Sec. 3, 48 Stat. 596, as amended; 25 U.S.C. 454.

SOURCE: 22 FR 10531, Dec. 24, 1957, unless otherwise noted.

### **§21.1 Commissioner to negotiate contracts.**

The Commissioner of Indian Affairs may negotiate with State, territory,

county or other Federal welfare agencies for such agencies to provide welfare services as contemplated by the Act of June 4, 1936 (49 Stat. 1458; 25 U.S.C. 452), for Indians residing within a particular State within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs or on trust or restricted lands under the jurisdiction of the Bureau of Indian Affairs.

[29 FR 5828, May 2, 1964]

### **§21.2 Contracts; by whom executed.**

All contracts executed for the purposes of §21.1 shall be signed on behalf of the United States by the Commissioner of Indian Affairs. The proper officer of the State, territory, county or welfare agency shall execute the contract on its behalf. Evidence of the authority of such officer must accompany the contract. All contracts must be executed in quintuplicate. (They shall become effective only after approval by the Secretary of the Interior.)

### **§21.3 State or other contracting agency furnish plan of operation.**

A plan executed by the proper State or other agency entering into the contract shall accompany each instrument. This plan shall describe the services and assistance to be rendered under the terms of the contract. It shall include a budget showing the plan of expenditure of the funds to be turned over to the State or other agency. Upon the approval of the contract, no deviation from the plan shall be made unless approved in advance by the Commissioner of Indian Affairs.

### **§21.4 Standards of service.**

Standards of aid, care, and service rendered to the Indians under the contracts shall not be less than those standards maintained by the State for other clients requiring similar aid, care and services.

### **§21.5 Personnel.**

The personnel employed for public welfare services to Indians under the contract shall be subject to the State merit system and to the approval of the Commissioner of Indian Affairs and the welfare authorities of the State,